



Rep. Jay Hoffman

Filed: 5/7/2013

09800SB1568ham001

LRB098 07682 JLS 45509 a

1 AMENDMENT TO SENATE BILL 1568

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1568 on page 1 by  
3 replacing line 4 with the following:

4 "Section 5. Findings and Purposes.

5 (a) The General Assembly finds the following:

6 (1) The intent of the Illinois General Assembly in  
7 enacting the Minimum Wage Law and the Illinois Wage Payment  
8 and Collection Act was to provide a statutory basis for a  
9 claim of retaliatory discharge.

10 (2) In *Trochuck v. Patterson*, 851 F.Supp.2d 1147, the  
11 United States District Court for the Southern District of  
12 Illinois held that the Minimum Wage Law and the Illinois  
13 Wage Payment and Collection Act cannot form the basis for a  
14 legally viable common law retaliatory discharge claim.

15 (b) The purposes of this Act are as follows:

16 (1) To clearly state that the holding in *Trochuck v.*  
17 *Patterson* as stated above is not the intent of the Illinois

1 General Assembly.

2 (2) To provide a basis for a claim of retaliatory  
3 discharge under the Minimum Wage Law and the Illinois Wage  
4 Payment and Collection Act.

5 Section 10. The Minimum Wage Law is amended by changing  
6 Section 11 as follows:

7 (820 ILCS 105/11) (from Ch. 48, par. 1011)

8 Sec. 11. Violations and enforcement.

9 (a) Any employer or his agent, or the officer or agent of  
10 any private employer who:

11 (1) Hinders or delays the Director or his authorized  
12 representative in the performance of his duties in the  
13 enforcement of this Act; or

14 (2) Refuses to admit the Director or his authorized  
15 representative to any place of employment; or

16 (3) Fails to keep the records required under this Act  
17 or to furnish such records required or any information to  
18 be furnished under this Act to the Director or his  
19 authorized representative upon request; or

20 (4) Fails to make and preserve any records as required  
21 hereunder; or

22 (5) Falsifies any such record; or

23 (6) Refuses to make such records available to the  
24 Director or his authorized representative; or

1           (7) Refuses to furnish a sworn statement of such  
2 records or any other information required for the proper  
3 enforcement of this Act; or

4           (8) Fails to post a summary of this Act or a copy of  
5 any applicable regulation as required by Section 9 of this  
6 Act; shall be guilty of a Class B misdemeanor; and each day  
7 of such failure to keep the records required under this Act  
8 or to furnish such records or information to the Director  
9 or his authorized representative or to fail to post  
10 information as required herein constitutes a separate  
11 offense.

12           (b) Any employer or his agent, or the officer or agent of  
13 any private employer, who pays or agrees to pay to any employee  
14 wages at a rate less than the rate applicable under this Act or  
15 of any regulation issued under this Act is guilty of a Class B  
16 misdemeanor, and each week on any day of which such employee is  
17 paid less than the wage rate applicable under this Act  
18 constitutes a separate offense.

19           (c) It is unlawful for any employer or his or her agent, or  
20 the officer or agent of any private employer, to interfere  
21 with, restrain, or coerce an employee in any manner whatsoever  
22 in the exercise of the rights or remedies granted to him or her  
23 by this Act or to discriminate, attempt to discriminate, or  
24 threaten to discriminate against an employee in any way because  
25 of his or her exercise of the rights or remedies granted to him  
26 or her by this Act.

1 Any employer or his agent, or the officer or agent of any  
2 private employer, who discharges or in any other manner  
3 discriminates against any employee because that employee has  
4 made a complaint to his employer, or to the Director or his  
5 authorized representative, that he has not been paid wages in  
6 accordance with the provisions of this Act, or because that  
7 employee has caused to be instituted or is about to cause to be  
8 instituted any proceeding under or related to this Act, or  
9 because that employee has testified or is about to testify in  
10 an investigation or proceeding under this Act, is guilty of a  
11 Class B misdemeanor.

12 (d) It is the duty of the Department of Labor to inquire  
13 diligently for any violations of this Act, and to institute the  
14 action for penalties herein provided, and to enforce generally  
15 the provisions of this Act.

16 (Source: P.A. 86-799.)

17 Section 15. The Illinois Wage Payment and Collection Act  
18 is"; and

19 on page 6 by replacing line 24 with the following:

20 "(c) It is be unlawful for any employer or any agent of an  
21 employer to interfere with, restrain, or coerce an employee in  
22 any manner whatsoever in the exercise of the rights or remedies  
23 granted to him or her by this Act or to discriminate, attempt  
24 to discriminate, or threaten to discriminate against an

1 employee in any way because of his or her exercise of the  
2 rights or remedies granted to him or her by this Act.

3 Any employer, or any agent of an employer, who"; and

4 on page 7 by inserting immediately below line 14 the following:

5 "Section 99. Effective date. This Act takes effect upon  
6 becoming law."